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FISCAL IMPACT STATEMENT

LS 6983

BILL NUMBER: HB 1258

NOTE PREPARED: Jan 29, 2010

BILL AMENDED: Jan 28, 2010

SUBJECT: Animal Regulation.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) *Retail Pet Store Requirements*- The bill requires a retail pet store to provide each person who purchases a dog or cat with a written sales disclosure form describing the animal's history, and requires the retail pet store to transmit a copy of the sales disclosure form to the Board of Animal Health (BOAH). The bill provides that a pet store must post certain information concerning the animal's history on the animal's cage.

Class C Infraction- The bill makes the failure to provide a sales disclosure form or the failure to post information on the animal's cage a Class C infraction.

Animal Fighting Promotion and Racketeering- The bill makes promoting an animal fighting contest a predicate offense under the racketeering statute.

Attending Animal Fighting Contests- The bill makes attending an animal fighting contest a Class D felony. The bill repeals an inconsistent animal fighting contest provision.

Care of Equine- The bill requires a person having care or custody of an equine to provide the equine with access to shelter providing protection from weather extremes and that is free from standing water, and makes the failure to provide an equine with access to appropriate shelter a Class B infraction for the first offense, and a Class A infraction for subsequent offenses.

Effective Date: July 1, 2010.

Explanation of State Expenditures: (Revised) *Retail Pet Store Requirements*-The bill requires a retail pet

store, that has sold an animal to an individual, to transmit to the BOAH a copy of the sales disclosure form describing the animal's history. This should have minimal impact on the agency.

Animal Fighting Promotion and Racketeering- This provision would place promotion of an animal fighting contest (already a Class D felony under IC 35-46-3-9.5) under the "racketeering activity" or corrupt business influence statute. A violation of corrupt business influence statute constitutes a Class C felony. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances.

Attending Animal Fighting Contests- Under current law, a person knowingly or intentionally attending a fighting contest involving animals would commit a Class A misdemeanor, or a Class D felony if the person has a prior unrelated conviction involving animals. However, the bill repeals this provision and deletes a provision for a Class D felony if a person attends an animal fight with an animal in their possession. Therefore, the bill would make it a Class D felony to knowingly or intentionally attend an animal fight on the first offense regardless of having an animal in possession. A Class D felony is punishable by a prison term ranging from between six months and three years or reduction to Class A misdemeanor.

Background: Criminal Provisions- Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years, and for all Class D felony offenders is approximately ten months.

DOC statistics report that during CY 2008, seven persons were committed to a DOC facility for committing a crime under the list of racketeering activity and thus guilty of being a corrupt business influence. There were two commitments for a violation of IC 35-36-3-9 (animal fight contest) during CY 2008, but none for specifically promoting an animal fighting contest under IC 35-36-3-9.

Explanation of State Revenues: Felonies- If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C felony is \$10,000. The maximum fine for a Class D felony is \$10,000. However, any additional revenues would likely be small.

(Revised) *Infractions-* If additional court cases occur and infraction judgments and court fees are collected, revenue to the state General Fund may increase. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. The distribution percentages of the court fee and the additional fees charged are the same as stated above. The following table illustrates the maximum monetary judgements for Class A, B, and C infractions. (A and B infractions would be for an equine care offense as added by the bill.)

Penalty	Maximum Judgement	Distribution of Judgement
Class A infraction	\$10,000	General Fund
Class B infraction	\$1,000	General Fund
Class C Infraction	\$500	General Fund

Background- The U.S. Census Bureau reports that there were 8,721 pet stores in the United States in 2007. Two percent attributed to Indiana would be approximately 174 pet stores. In 2002, the Bureau reported that Indiana had 160 pet stores.

Explanation of Local Expenditures: *Felonies*- If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Felonies and Infractions*- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: BOAH, DOC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC; U.S. Census Bureau.

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